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VIA FACSIMILE AND UPS OVERNIGHT DELIVERY

September 18, 2015

RECEIVED

Hon. Charles J. Siragusa
U.S. District Court Judge
U.S. District Court, Western District of New York
U.S. Courthouse
100 State Street, Room 1380
Rochester, New York 14614

SEP 21 2015

CHARLES J. SIRAGUSA
United States District Judge
Western District of New York

**Re: Cayuga Indian Nation of New York v. Seneca County, New York
Civil Action Number 11-cv-6004 -CJS**

Dear Judge Siragusa:

As the Court is aware, this office represents the Plaintiff Cayuga Indian Nation of New York in the above-referenced matter. I write with regard to recent discussions I have had with opposing counsel, Brian Laudadio, Esq., regarding the scheduling order filed in this case on August 12, 2015. ECF No. 37. The County's answer asserts a counterclaim. The matter of a counterclaim was not discussed at the conference on August 5, 2015, nor are any further proceedings relative to the counterclaim set forth in the August 10, 2015, scheduling order.

As I have indicated to Mr. Laudadio, the Nation intends to move to dismiss the counterclaim. Following the Court's decision on said motion, the Nation (and possibly the County, according to my discussions with Mr. Laudadio) would move for summary judgment.

Subject to the Court's approval, Mr. Laudadio and I have agreed on the following schedule for further proceedings:

- Plaintiff to file its motion to dismiss the counterclaim on or before October 8, 2015;
- Defendant to file its response to Plaintiff's motion to dismiss on or before October 30, 2015;
- Plaintiff to file any reply in support of its motion to dismiss on or before November 16, 2015;
- Plaintiff's motion for summary judgment to be filed within 45 days of the Court's decision on Plaintiff's motion to dismiss.

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I have submitted this letter to Mr. Laudadio for his advance approval, and he has approved of its contents. In the event this Scheduling Order meets with the Court's approval, I have added a "So Ordered" signature line below.

We appreciate the attention of the Court.

Respectfully submitted,

FRENCH-ALCOTT, PLLC



Lee Alcott

LA/mm

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cc: Brian Laudadio, Esq.

SO ORDERED:

9-21-15



Hon. Charles J. Siragusa
U.S. District Judge